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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/541,069  | 03/30/2000  | Gregory A. Tomasch   | LAM2P151            | 4441             |
| 25920   | 7590        | 04/21/2004           | EXAMINER            |                  |
| MARTINE & PENILLA, LLP<br>710 LAKEWAY DRIVE<br>SUITE 170<br>SUNNYVALE, CA 94085 |             |                      | KEASEL, ERIC S      |                  |
|   |             | ART UNIT             | PAPER NUMBER        |                  |
|   |             |                      | 3754                |                  |

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                         |                     |
|------------------------------|-------------------------|---------------------|
| <b>Office Action Summary</b> | Application No.         | Applicant(s)        |
|                              | 09/541,069              | TOMASCH, GREGORY A. |
|                              | Examiner<br>Eric Keasel | Art Unit<br>3754    |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 March 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.  
 4a) Of the above claim(s) 8-20 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 and 21 is/are rejected.  
 7) Claim(s) 2-7 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 19 Mar 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>24JUL2000</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I in the paper filed 22 March 2004 is acknowledged.
2. Claims 8-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim.  
Election was made **without** traverse in the paper filed 22 March 2004.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
  - A person shall be entitled to a patent unless –
    - (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
    - (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Chauvin et al. (GB 851,444).

Chauvin et al. disclose a dual slot valve comprising: a housing having a first side and a second side, the housing having a first slot at the first side and a second slot at the second side, a first module being attached to the first side of the housing and a second module being attached to the second side of the housing; a first door being movably mounted within the housing to enable closure of the first slot; a second door being movably mounted within the housing to enable closure of the second slot; and a common actuator connected to each of the first and second doors for selectively and separately moving either of the first and second doors to close the respective slot.

5. Claims 1 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Ettinger et al. (US Patent Number 6,079,693).

Ettinger et al. disclose a dual slot valve comprising: a housing having a first side and a second side, the housing having a first slot at the first side and a second slot at the second side for passing a substrate between a first module and a second module, the first module being attached to the first side of the housing and the second module being attached to the second side of the housing; a first door being movably mounted within the housing to enable closure of the first slot; a second door being movably mounted within the housing to enable closure of the second slot; and a common actuator connected to each of the first and second doors for selectively and separately moving either of the first and second doors to close the respective slot.

6. Claims 1 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Kroecker et al. (US Patent Number 6,095,741).

Kroecker et al. disclose a dual slot valve comprising: a housing having a first side and a second side, the housing having a first slot at the first side and a second slot at the second side for passing a substrate between a first module and a second module, the first module being attached to the first side of the housing and the second module being attached to the second side of the housing; a first door being movably mounted within the housing to enable closure of the first slot; a second door being movably mounted within the housing to enable closure of the second slot; and a common actuator connected to each of the first and second doors for selectively and separately moving either of the first and second doors to close the respective slot.

*Allowable Subject Matter*

7. Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reimpell et al. and Norman disclose similar devices.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Keasel whose telephone number is (703) 308-6260. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (703) 308-2696. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Eric Keasel* 15APR04  
Eric Keasel  
Examiner  
Art Unit 3754